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117TH CONGRESS
1ST SESSION

S. 2129

To promote freedom of information and counter censorship and surveillance
in North Korea, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. PORTMAN (for himself, Mr. BROWN, Mr. COONS, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

OCTOBER 28, 2021

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To promote freedom of information and counter censorship
and surveillance in North Korea, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Otto Warmbier Coun-
5 ting North Korean Censorship and Surveillance Act of
6 2021”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The information landscape in North Korea
5 is the most repressive in the world, consistently
6 ranking last or near-last in the annual World Press
7 Freedom Index.

8 (2) Under the brutal rule of Kim Jong Un, the
9 country's leader since 2012, the North Korean re-
10 gime has tightened controls on access to informa-
11 tion, as well as enacted harsh punishments for con-
12 sumers of outside media, including sentencing to
13 time in a concentration camp and a maximum pen-
14 alty of death.

15 (3) Such repressive and unjust laws sur-
16 rounding information in North Korea resulted in the
17 death of 22-year-old United States citizen and uni-
18 versity student Otto Warmbier, who had traveled to
19 North Korea in December 2015 as part of a guided
20 tour.

21 (4) Otto Warmbier was unjustly arrested, sen-
22 tenced to 15 years of hard labor, and severely mis-
23 treated at the hands of North Korean officials.
24 While in captivity, Otto Warmbier suffered a serious
25 medical emergency that placed him into a comatose

1 state. Otto Warmbier was comatose upon his release
2 in June 2017 and died 6 days later.

3 (5) Despite increased penalties for possession
4 and viewership of foreign media, the people of North
5 Korean have increased their desire for foreign media
6 content, according to a survey of 200 defectors con-
7 cluding that 90 percent had watched South Korean
8 or other foreign media before defecting.

9 (6) On March 23, 2021, in an annual resolu-
10 tion, the United Nations General Assembly con-
11 demned “the long-standing and ongoing systematic,
12 widespread and gross violations of human rights in
13 the Democratic People’s Republic of Korea” and ex-
14 pressed grave concern at, among other things, “the
15 denial of the right to freedom of thought, conscience,
16 and religion . . . and of the rights to freedom of
17 opinion, expression, and association, both online and
18 offline, which is enforced through an absolute mo-
19 nopoly on information and total control over orga-
20 nized social life, and arbitrary and unlawful state
21 surveillance that permeates the private lives of all
22 citizens”.

23 (7) In 2018, Typhoon Yutu caused extensive
24 damage to 15 broadcast antennas used by the
25 United States Agency for Global Media in Asia, re-

1 sulting in reduced programming to North Korea.
2 The United States Agency for Global Media has re-
3 built 5 of the 15 antenna systems as of June 2021.
4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) in the event of a crisis situation, particu-
7 larly where information pertaining to the crisis is
8 being actively censored or a false narrative is being
9 put forward, the United States should be able to
10 quickly increase its broadcasting capability to deliver
11 fact-based information to audiences, including those
12 in North Korea; and

13 (2) the United States International Broad-
14 casting Surge Capacity Fund is already authorized
15 under section 316 of the United States International
16 Broadcasting Act of 1994 (22 U.S.C. 6216), and ex-
17 panded authority to transfer unobligated balances
18 from expired accounts of the United States Agency
19 for Global Media would enable the Agency to more
20 nimblly respond to crises.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It is the policy of the United States—

23 (1) to provide the people of North Korea with
24 access to a diverse range of fact-based information;

1 (2) to develop and implement novel means of
2 communication and information sharing to ensure
3 that audiences in North Korea can safely create, ac-
4 cess, and share digital and non-digital news without
5 fear of repressive censorship, surveillance, or pen-
6 alties under law; and

7 (3) to foster and innovate new technologies to
8 counter North Korea's state-sponsored repressive
9 surveillance and censorship by advancing internet
10 freedom tools, technologies, and new approaches.

11 **SEC. 4. UNITED STATES STRATEGY TO COMBAT NORTH KO-**
12 **REA'S REPRESSIVE INFORMATION ENVIRON-**
13 **MENT.**

14 (a) **IN GENERAL.**—Not later than 180 days after the
15 date of the enactment of this Act, the President shall de-
16 velop and submit to Congress a strategy on combating
17 North Korea's repressive information environment.

18 (b) **ELEMENTS.**—The strategy required by subsection
19 (a) shall include the following:

20 (1) An assessment of the challenges to the free
21 flow of information into North Korea created by the
22 censorship and surveillance technology apparatus of
23 the Government of North Korea;

24 (2) A detailed description of the agencies and
25 other government entities, key officials, and security

1 services responsible for the implementation of North
2 Korea's repressive laws regarding foreign media con-
3 sumption.

4 (3) A detailed description of the agencies and
5 other government entities and key officials of foreign
6 governments that assist, facilitate, or aid North Ko-
7 rea's repressive censorship and surveillance state.

8 (4) An assessment of the feasibility of new pub-
9 lie-private sponsorships to increase free expression,
10 circumvent censorship, and obstruct repressive sur-
11 veillance in North Korea.

12 (5) A description of and funding levels required
13 for current United States Government programs and
14 activities to provide access for the people of North
15 Korea to a diverse range of fact-based information.

16 (6) Guidance for the relevant Federal agencies,
17 including the Department of State, on how agencies
18 should work together and with other federally fund-
19 ed entities like the United States Agency for Global
20 Media, to combat North Korea's repressive censorship
21 and surveillance apparatus by utilizing all avail-
22 able means.

23 (7) A detailed assessment of how the United
24 States International Broadcasting Surge Capacity
25 Fund authorized under section 316 of the United

1 States International Broadcasting Act of 1994 (22
2 U.S.C. 6216) has operated to respond to crisis situations in the past, and how authority to transfer un-
3 obligated balances from expired accounts would help
4 the United States Agency for Global Media in crisis
5 situations in the future.

7 (8) A detailed plan for how the authorization of
8 appropriations under section 6 will operate alongside
9 and augment existing programming from the rel-
10 evant Federal agencies and facilitate the develop-
11 ment of new tools to assist that programming.

12 (e) FORM OF STRATEGY.—The strategy required by
13 subsection (a) shall be submitted in unclassified form, but
14 may include the matters required by paragraphs (2) and
15 (3) of subsection (b) in a classified annex.

16 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO PER-**
17 **SONS RESPONSIBLE FOR NORTH KOREA'S RE-**
18 **PRESSIVE CENSORSHIP AND SURVEILLANCE**
19 **STATE.**

20 (a) IN GENERAL.—The President may impose the
21 following sanctions with respect to each person identified
22 under paragraph (2) or (3) of section 4(b):

23 (1) BLOCKING OF PROPERTY.—The exercise of
24 all powers granted to the President by the Inter-
25 national Emergency Economic Powers Act (50

1 U.S.C. 1701 et seq.) to the extent necessary to block
2 and prohibit all transactions in all property and in-
3 terests in property of the person if such property
4 and interests in property are in the United States,
5 come within the United States, or are or come with-
6 in the possession or control of a United States per-
7 son.

8 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
9 PAROLE.—

10 (A) VISAS, ADMISSION, OR PAROLE.—In
11 the case of an alien, the alien may be—

- 12 (i) inadmissible to the United States;
13 (ii) ineligible to receive a visa or other
14 documentation to enter the United States;
15 and
16 (iii) otherwise ineligible to be admitted
17 or paroled into the United States or to re-
18 ceive any other benefit under the Immigration
19 and Nationality Act (8 U.S.C. 1101 et
20 seq.).

21 (B) CURRENT VISAS REVOKED.—

- 22 (i) IN GENERAL.—An alien described
23 in subparagraph (A) may be subject to rev-
24 ocation of any visa or other entry docu-
25 mentation regardless of when the visa or

1 other entry documentation is or was
2 issued.

3 (ii) EFFECT.—A revocation under
4 clause (i) shall—

5 (I) take effect consistent with
6 section 221 of the Immigration and
7 Nationality Act (8 U.S.C. 1201); and

8 (II) cancel any other valid visa or
9 entry documentation that is in the
10 alien's possession.

11 (b) IMPLEMENTATION; PENALTIES.—

12 (1) IMPLEMENTATION.—The President may ex-
13 ercise all authorities provided under sections 203
14 and 205 of the International Emergency Economic
15 Powers Act (50 U.S.C. 1702 and 1704) to carry out
16 this section.

17 (2) PENALTIES.—A person that violates, at-
18 tempts to violate, conspires to violate, or causes a
19 violation of subsection (a)(1) or any regulation, li-
20 cense, or order issued to carry out that subsection
21 shall be subject to the penalties set forth in sub-
22 sections (b) and (e) of section 206 of the Inter-
23 national Emergency Economic Powers Act (50
24 U.S.C. 1705) to the same extent as a person that

1 commits an unlawful act described in subsection (a)
2 of that section.

3 (e) NATIONAL SECURITY WAIVER.—The President
4 may waive the imposition of sanctions under subsection
5 (a) with respect to a person if the President—

6 (1) determines that such a waiver is in the na-
7 tional security interests of the United States; and

8 (2) submits to the appropriate congressional
9 committees a notification of the waiver and the rea-
10 sons for the waiver.

11 (d) EXCEPTIONS.—

12 (1) INTELLIGENCE ACTIVITIES.—This section
13 shall not apply with respect to activities subject to
14 the reporting requirements under title V of the Na-
15 tional Security Act of 1947 (50 U.S.C. 3091 et seq.)
16 or any authorized intelligence activities of the United
17 States.

18 (2) LAW ENFORCEMENT ACTIVITIES.—San-
19 ctions under this section shall not apply with respect
20 to any authorized law enforcement activities of the
21 United States.

22 (3) EXCEPTION TO COMPLY WITH INTER-
23 NATIONAL AGREEMENTS.—Subsection (a)(2) shall
24 not apply with respect to the admission of an alien
25 to the United States if such admission is necessary

1 to comply with the obligations of the United States
2 under the Agreement regarding the Headquarters of
3 the United Nations, signed at Lake Success June
4 26, 1947, and entered into force November 21,
5 1947, between the United Nations and the United
6 States; under the Convention on Consular Relations,
7 done at Vienna April 24, 1963, and entered into
8 force March 19, 1967, or under other international
9 agreements.

10 (4) EXCEPTION RELATING TO IMPORTATION OF
11 GOODS.—

12 (A) IN GENERAL.—The authority or a re-
13 quirement to impose sanctions under this sec-
14 tion shall not include the authority or a require-
15 ment to impose sanctions on the importation of
16 goods.

17 (B) GOOD DEFINED.—In this paragraph,
18 the term “good” means any article, natural or
19 manmade substance, material, supply, or manu-
20 factured product, including inspection and test
21 equipment, and excluding technical data.

22 (e) DEFINITIONS.—In this section:

23 (1) ADMISSION; ADMITTED; ALIEN.—The terms
24 “admission”, “admitted”, and “alien” have the

1 meanings given those terms in section 101 of the
2 Immigration and Nationality Act (8 U.S.C. 1101).

3 (2) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations,
7 the Committee on Banking, Housing, and
8 Urban Affairs, and the Select Committee on In-
9 telligence of the Senate; and

10 (B) the Committee on Foreign Affairs, the
11 Committee on Financial Services, and the Per-
12 manent Select Committee on Intelligence of the
13 House of Representatives.

14 (3) UNITED STATES PERSON.—The term
15 “United States person” means—

16 (A) a United States citizen or an alien law-
17 fully admitted to the United States for perma-
18 nent residence; or

19 (B) an entity organized under the laws of
20 the United States or any jurisdiction within the
21 United States.

1 **SEC. 6. PROMOTING FREEDOM OF INFORMATION AND**
2 **COUNTERING CENSORSHIP AND SURVEIL-**
3 **LANCE IN NORTH KOREA.**

4 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
5 are authorized to be appropriated to the United States
6 Agency for Global Media \$10,000,000 for each of fiscal
7 years 2022 through 2026 to provide increased broad-
8 casting and grants for the following purposes:

9 (1) To promote the development of internet
10 freedom tools, technologies, and new approaches, in-
11 cluding both digital and non-digital means of infor-
12 mation sharing related to North Korea.

13 (2) To explore public-private partnerships to
14 counter North Korea's repressive censorship and
15 surveillance state.

16 (3) To develop new means to protect the pri-
17 vacy and identity of individuals receiving media from
18 the United States Agency for Global Media and
19 other outside media outlets from within North
20 Korea.

21 (4) To bolster existing programming from the
22 United States Agency for Global Media by restoring
23 the broadcasting capacity of damaged antennas
24 caused by Typhoon Yutu in 2018.

25 (b) **ANNUAL REPORTS.**—Not later than one year
26 after the date of the enactment of this Act, and annually

1 thereafter for the following 4 years, the Secretary of State,
2 in consultation with the Chief Executive Officer of the
3 United States Agency for Global Media, shall submit to
4 Congress a report that describes the activities carried out
5 using amounts authorized to be appropriated under sub-
6 section (a) during the year preceding submission of the
7 report.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Otto Warmbier Coun-*
10 *tering North Korean Censorship and Surveillance Act of*
11 *2021”.*

12 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

13 (a) *FINDINGS.—Congress makes the following findings:*
14 *(1) The information landscape in North Korea is*
15 *the most repressive in the world, consistently ranking*
16 *last or near-last in the annual World Press Freedom*
17 *Index.*

18 *(2) Under the brutal rule of Kim Jung Un, the*
19 *country’s leader since 2012, the North Korean regime*
20 *has tightened controls on access to information, as*
21 *well as enacted harsh punishments for consumers of*
22 *outside media, including sentencing to time in a con-*
23 *centration camp and a maximum penalty of death.*

24 *(3) Such repressive and unjust laws surrounding*
25 *information in North Korea resulted in the death of*

1 22-year-old United States citizen and university stu-
2 dent Otto Warmbier, who had traveled to North Korea
3 in December 2015 as part of a guided tour.

4 (4) Otto Warmbier was unjustly arrested, sen-
5 tenced to 15 years of hard labor, and severely mis-
6 treated at the hands of North Korean officials. While
7 in captivity, Otto Warmbier suffered a serious med-
8 ical emergency that placed him into a comatose state.
9 Otto Warmbier was comatose upon his release in
10 June 2017 and died 6 days later.

11 (5) Despite increased penalties for possession
12 and viewership of foreign media, the people of North
13 Korean have increased their desire for foreign media
14 content, according to a survey of 200 defectors con-
15 cluding that 90 percent had watched South Korean or
16 other foreign media before defecting.

17 (6) On March 23, 2021, in an annual resolution,
18 the United Nations General Assembly condemned “the
19 long-standing and ongoing systematic, widespread
20 and gross violations of human rights in the Demo-
21 cratic People’s Republic of Korea” and expressed
22 grave concern at, among other things, “the denial of
23 the right to freedom of thought, conscience, and reli-
24 gion . . . and of the rights to freedom of opinion, ex-
25 pression, and association, both online and offline,

1 *which is enforced through an absolute monopoly on*
2 *information and total control over organized social*
3 *life, and arbitrary and unlawful state surveillance*
4 *that permeates the private lives of all citizens”.*

5 (7) *In 2018, Typhoon Yutu caused extensive*
6 *damage to 15 broadcast antennas used by the United*
7 *States Agency for Global Media in Asia, resulting in*
8 *reduced programming to North Korea. The United*
9 *States Agency for Global Media has rebuilt 5 of the*
10 *15 antenna systems as of June 2021.*

11 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
12 *that—*

13 (1) *in the event of a crisis situation, particularly*
14 *where information pertaining to the crisis is being*
15 *actively censored or a false narrative is being put for-*
16 *ward, the United States should be able to quickly in-*
17 *crease its broadcasting capability to deliver fact-based*
18 *information to audiences, including those in North*
19 *Korea; and*

20 (2) *the United States International Broadcasting*
21 *Surge Capacity Fund is already authorized under*
22 *section 316 of the United States International Broad-*
23 *casting Act of 1994 (22 U.S.C. 6216), and expanded*
24 *authority to transfer unobligated balances from ex-*
25 *pired accounts of the United States Agency for Global*

1 *Media would enable the Agency to more nimbly re-*
2 *spond to crises.*

3 **SEC. 3. STATEMENT OF POLICY.**

4 *It is the policy of the United States—*

5 *(1) to provide the people of North Korea with ac-*
6 *cess to a diverse range of fact-based information;*

7 *(2) to develop and implement novel means of*
8 *communication and information sharing that in-*
9 *crease opportunities for audiences in North Korea to*
10 *safely create, access, and share digital and non-digital*
11 *news without fear of repressive censorship, surveil-*
12 *lance, or penalties under law; and*

13 *(3) to foster and innovate new technologies to*
14 *counter North Korea’s state-sponsored repressive sur-*
15 *veillance and censorship by advancing internet free-*
16 *dom tools, technologies, and new approaches.*

17 **SEC. 4. UNITED STATES STRATEGY TO COMBAT NORTH KO-**
18 **REA’S REPRESSIVE INFORMATION ENVIRON-**
19 **MENT.**

20 *(a) IN GENERAL.—Not later than 180 days after the*
21 *date of the enactment of this Act, the President shall develop*
22 *and submit to Congress a strategy on combating North Ko-*
23 *rea’s repressive information environment.*

24 *(b) ELEMENTS.—The strategy required by subsection*
25 *(a) shall include the following:*

1 (1) *An assessment of the challenges to the free
2 flow of information into North Korea created by the
3 censorship and surveillance technology apparatus of
4 the Government of North Korea.*

5 (2) *A detailed description of the agencies and
6 other government entities, key officials, and security
7 services responsible for the implementation of North
8 Korea's repressive laws regarding foreign media con-
9 sumption.*

10 (3) *A detailed description of the agencies and
11 other government entities and key officials of foreign
12 governments that assist, facilitate, or aid North Ko-
13 rea's repressive censorship and surveillance state.*

14 (4) *A review of existing public-private partner-
15 ships that provide circumvention technology and an
16 assessment of the feasibility and utility of new tools
17 to increase free expression, circumvent censorship,
18 and obstruct repressive surveillance in North Korea.*

19 (5) *A description of and funding levels required
20 for current United States Government programs and
21 activities to provide access for the people of North
22 Korea to a diverse range of fact-based information.*

23 (6) *An update of the plan required by section
24 104(a)(7)(A) of the North Korean Human Rights Act
25 of 2004 (22 U.S.C. 7814(a)(7)(A)).*

1 (7) A description of Department of State pro-
2 grams and funding levels for programs that promote
3 internet freedom in North Korea, including moni-
4 toring and evaluation efforts.

5 (8) A description of grantee programs of the
6 United States Agency for Global Media in North
7 Korea that facilitate circumvention tools and broad-
8 casting, including monitoring and evaluation efforts.

9 (9) A detailed assessment of how the United
10 States International Broadcasting Surge Capacity
11 Fund authorized under section 316 of the United
12 States International Broadcasting Act of 1994 (22
13 U.S.C. 6216) has operated to respond to crisis situa-
14 tions in the past, and how authority to transfer unob-
15 ligated balances from expired accounts would help the
16 United States Agency for Global Media in crisis situa-
17 tions in the future.

18 (10) A detailed plan for how the authorization of
19 appropriations under section 7 will operate alongside
20 and augment existing programming from the relevant
21 Federal agencies and facilitate the development of
22 new tools to assist that programming.

23 (c) FORM OF STRATEGY.—The strategy required by
24 subsection (a) shall be submitted in unclassified form, but

1 may include the matters required by paragraphs (2) and
2 (3) of subsection (b) in a classified annex.

3 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO PER-**
4 **SONS RESPONSIBLE FOR NORTH KOREA'S RE-**
5 **PRESSIVE CENSORSHIP AND SURVEILLANCE**
6 **STATE.**

7 (a) *IN GENERAL.*—The President may impose the fol-
8 lowing sanctions with respect to any foreign person that
9 the President determines knowingly engaged in, facilitated,
10 or was responsible for censorship by the Government of
11 North Korea or the Workers' Party of Korea identified
12 under paragraph (2) or (3) of section 4(b):

13 (1) *BLOCKING OF PROPERTY.*—The President
14 may exercise all of the powers granted to the Presi-
15 dent under the International Emergency Economic
16 Powers Act (50 U.S.C. 1701 et seq.) to the extent nec-
17 essary to block and prohibit all transactions in prop-
18 erty and interests in property of the foreign person if
19 such property and interests in property are in the
20 United States, come within the United States, or are
21 or come within the possession or control of a United
22 States person.

23 (2) *INELIGIBILITY FOR VISAS, ADMISSION, OR PA-*
24 *ROLE.*—

1 (A) *VISAS, ADMISSION, OR PAROLE.*—*In the*
2 *case of an alien, the alien may be—*

3 (i) *inadmissible to the United States;*

4 (ii) *ineligible to receive a visa or other*
5 *documentation to enter the United States;*
6 *and*

7 (iii) *otherwise ineligible to be admitted*
8 *or paroled into the United States or to re-*
9 *ceive any other benefit under the Immigra-*
10 *tion and Nationality Act (8 U.S.C. 1101 et*
11 *seq.).*

12 (B) *CURRENT VISAS REVOKED.*—

13 (i) *IN GENERAL.*—*An alien described*
14 *in subparagraph (A) may be subject to rev-*
15 *ocation of any visa or other entry docu-*
16 *mentation regardless of when the visa or*
17 *other entry documentation is or was issued.*

18 (ii) *EFFECT.*—*A revocation under*
19 *clause (i) shall—*

20 (I) *take effect consistent with sec-*
21 *tion 221 of the Immigration and Na-*
22 *tionality Act (8 U.S.C. 1201); and*

23 (II) *cancel any other valid visa or*
24 *entry documentation that is in the*
25 *alien's possession.*

1 (b) *IMPLEMENTATION; PENALTIES.*—

2 (1) *IMPLEMENTATION.*—*The President may exer-*
3 *cise all authorities provided under sections 203 and*
4 *205 of the International Emergency Economic Powers*
5 *Act (50 U.S.C. 1702 and 1704) to carry out this sec-*
6 *tion.*

7 (2) *PENALTIES.*—*A person that violates, at-*
8 *tempts to violate, conspires to violate, or causes a vio-*
9 *lation of subsection (a)(1) or any regulation, license,*
10 *or order issued to carry out that subsection shall be*
11 *subject to the penalties set forth in subsections (b) and*
12 *(c) of section 206 of the International Emergency*
13 *Economic Powers Act (50 U.S.C. 1705) to the same*
14 *extent as a person that commits an unlawful act de-*
15 *scribed in subsection (a) of that section.*

16 (c) *NATIONAL SECURITY WAIVER.*—*The President may*
17 *waive the imposition of sanctions under subsection (a) with*
18 *respect to a person if the President—*

19 (1) *determines that such a waiver is in the na-*
20 *tional security interests of the United States; and*

21 (2) *submits to the appropriate congressional*
22 *committees a notification of the waiver and the rea-*
23 *sons for the waiver.*

24 (d) *EXCEPTIONS.*—

1 (1) *INTELLIGENCE ACTIVITIES.*—This section
2 shall not apply with respect to activities subject to the
3 reporting requirements under title V of the National
4 Security Act of 1947 (50 U.S.C. 3091 et seq.) or any
5 authorized intelligence activities of the United States.

6 (2) *LAW ENFORCEMENT ACTIVITIES.*—Sanctions
7 under this section shall not apply with respect to any
8 authorized law enforcement activities of the United
9 States.

10 (3) *EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.*—Subsection (a)(2) shall not
11 apply with respect to the admission of an alien to the
12 United States if such admission is necessary to com-
13 ply with the obligations of the United States under
14 the Agreement regarding the Headquarters of the
15 United Nations, signed at Lake Success June 26,
16 1947, and entered into force November 21, 1947, be-
17 tween the United Nations and the United States,
18 under the Convention on Consular Relations, done at
19 Vienna April 24, 1963, and entered into force March
20 19, 1967, or under other international agreements.

22 (4) *EXCEPTION RELATING TO IMPORTATION OF
23 GOODS.*—

24 (A) *IN GENERAL.*—The authority or a re-
25 quirement to impose sanctions under this section

1 *shall not include the authority or a requirement*
2 *to impose sanctions on the importation of goods.*

3 (B) *GOOD DEFINED.*—*In this paragraph,*
4 *the term “good” means any article, natural or*
5 *manmade substance, material, supply, or manu-*
6 *factured product, including inspection and test*
7 *equipment, and excluding technical data.*

8 (e) *DEFINITIONS.*—*In this section:*

9 (1) *ADMISSION; ADMITTED; ALIEN.*—*The terms*
10 *“admission”, “admitted”, and “alien” have the mean-*
11 *ings given those terms in section 101 of the Immigration*
12 *and Nationality Act (8 U.S.C. 1101).*

13 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
14 *TEES.*—*The term “appropriate congressional commit-*
15 *tees” means—*

16 (A) *the Committee on Foreign Relations, the*
17 *Committee on Banking, Housing, and Urban Af-*
18 *fairs, and the Select Committee on Intelligence of*
19 *the Senate; and*

20 (B) *the Committee on Foreign Affairs, the*
21 *Committee on Financial Services, and the Per-*
22 *manent Select Committee on Intelligence of the*
23 *House of Representatives.*

1 (3) *FOREIGN PERSON.*—The term “foreign person” means any person that is not a United States person.

4 (4) *UNITED STATES PERSON.*—The term “United States person” means—

6 (A) a United States citizen or an alien lawfully admitted to the United States for permanent residence;

9 (B) an entity organized under the laws of the United States or any jurisdiction within the United States; or

12 (C) any person in the United States.

13 **SEC. 6. REPORT ON ENFORCEMENT OF SANCTIONS WITH
14 RESPECT TO NORTH KOREA.**

15 (a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2024, the Secretary of State and the Secretary of the Treasury shall jointly submit to the appropriate congressional committees (as defined in section 5(e)) a report on sanctions-related activities and enforcement undertaken by the United States Government with respect to North Korea during the period described in subsection (b) that includes—

24 (1) an assessment of activities conducted by persons in North Korea or the Government of North

1 *Korea that would require mandatory designations*
2 *pursuant to the North Korea Sanctions and Policy*
3 *Enhancement Act of 2016 (22 U.S.C. 9201 et seq.);*
4 *and*

5 *(2) sanctions-related enforcement or other sanc-*
6 *tions-related actions undertaken by the United States*
7 *Government pursuant to that Act.*

8 *(b) PERIOD DESCRIBED.—The period described in this*
9 *subsection is—*

10 *(1) in the case of the first report required by sub-*
11 *section (a), the period beginning on January 1, 2021,*
12 *and ending on the date on which the report is re-*
13 *quired to be submitted; and*

14 *(2) in the case of each subsequent report required*
15 *by subsection (a), the one-year period preceding sub-*
16 *mission of the report.*

17 **SEC. 7. PROMOTING FREEDOM OF INFORMATION AND**
18 **COUNTERING CENSORSHIP AND SURVEIL-**
19 **LANCE IN NORTH KOREA.**

20 *(a) AUTHORIZATION OF APPROPRIATIONS.—There are*
21 *authorized to be appropriated to the United States Agency*
22 *for Global Media \$10,000,000 for each of fiscal years 2022*
23 *through 2026 to provide increased broadcasting and grants*
24 *for the following purposes:*

1 (1) To promote the development of internet free-
2 dom tools, technologies, and new approaches, includ-
3 ing both digital and non-digital means of information
4 sharing related to North Korea.

5 (2) To explore public-private partnerships to
6 counter North Korea's repressive censorship and sur-
7 veillance state.

8 (3) To develop new means to protect the privacy
9 and identity of individuals receiving media from the
10 United States Agency for Global Media and other out-
11 side media outlets from within North Korea.

12 (4) To bolster existing programming from the
13 United States Agency for Global Media by restoring
14 the broadcasting capacity of damaged antennas
15 caused by Typhoon Yutu in 2018.

16 (b) ANNUAL REPORTS.—Section 104(a)(7)(B) of the
17 North Korean Human Rights Act of 2004 (22 U.S.C.
18 7814(a)(7)(B)) is amended—

19 (1) in the matter preceding clause (i)—

20 (A) by striking “1 year after the date of the
21 enactment of this paragraph” and inserting
22 “September 30, 2022”; and

23 (B) by striking “Broadcasting Board of
24 Governors” and inserting “Chief Executive Offi-

1 *cer of the United States Agency for Global*
2 *Media"; and*

3 *(2) in clause (i), by inserting after "this section"*
4 *the following: "and sections 4 and 7 of the Otto*
5 *Warmbier Countering North Korean Censorship and*
6 *Surveillance Act of 2021".*

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A BILL

To promote freedom of information and counter censorship and surveillance in North Korea, and for other purposes.

OCTOBER 28, 2021

Reported with an amendment